

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SPECIAL CLOSED SESSION DOCKET
FOR
MONDAY, OCTOBER 11, 2004 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. Please see the Open Session Agenda to determine when such matters may be heard.

Due to the anticipated length of the regular City Council meeting for October 12, 2004, the Mayor is calling a Special Closed Session meeting for Monday, October 11, 2004, in the Committee Room on the 12th Floor of the City Administration Building, 202 C Street, San Diego, California. **The Special Closed session will commence immediately following the conclusion of the regular open session meeting that day.**

Pursuant to the new temporary Council Rule on closed sessions, the public will have the opportunity to comment on these matters during the regular open session of the City Council on October 11, 2004. The open session agenda for that day will reflect the appropriate open session item for public comment. **The closed session called pursuant to this memorandum may continue into Tuesday, October 12, 2004.**

The agenda for the Special Closed Session is the following:

**CS-1 *De Anza Cove Homeowners Association, Inc. v. City of San Diego*
San Diego Superior Court Case No. GIC 821191**

DCA assigned: Gleeson

This matter concerns the litigation filed by the De Anza Cove Homeowners Association against the City of San Diego seeking damages related to expiration of the prior lease and transition of the property from use as a mobile home park to park and recreational use. In closed session, the City’s outside litigation counsel and the City Attorney will report on the status of the litigation, and other matters affecting the litigation.

**CS-2 *La Jolla United Methodist Church v. City of San Diego*
San Diego Superior Court No. GIC 836532**

DCA assigned: Gleeson

This matter concerns a dispute between the City and the La Jolla Methodist Church regarding property rights in the formerly planned extension of Fay Avenue. In closed session the City Attorney will advise the City Council on the status of the dispute and seek further direction concerning the matter.

**CS-3 *Conde v. City of San Diego et al*
San Diego Superior Court No. GIC 834467.**

HDCA assigned: Girard

This matter is litigation concerning the District 4 vacancy and the application of term limits to former City Council Member George Stevens. In closed session the City Attorney will brief the City Council on the recent ruling in the case and discuss the City's options.

**CS-4 *Border Business Park v. City of San Diego*
Appellate Case No. D039225; SDSC Case No. GIC 692794
Otay Acquisitions v. City of San Diego
SDSC Case No. GIC 753247
National Enterprises, Inc. v. City of San Diego
SDSC Case Nos. GIC 791407; GIC 805465**

ACA assigned: Girard

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego [City] regarding the Border Business Park in Otay Mesa. The Border Business Park case resulted in a jury verdict against the City, which is now on appeal. The National Enterprises and Otay Acquisitions cases are currently awaiting trial in the Superior Court. In closed session the City Attorney will report on the status appeal.

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):

CS-5 *Hazard Center Drive*

DCA assigned: Lanzafame

In Closed Session, the City Manager and City Attorney will advise the City Council on the status of the dispute and the legal options available to attempt to resolve it.